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FAA-00-7119-404



AIR TRANSPORT ASSOCIATION

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April 15, 2004

Federal Aviation Administration
Office of the Chief Counsel
Attention: Rules Docket (AGC-10)
800 Independence Avenue, S.W.
Washington, DC 20591-0001

Ladies/Gentlemen:

On April 2, 2004, the Air Transport Association of America, Inc. (ATA), on behalf of its member airlines,¹ petitioned the Administrator for an exemption, from certain requirements of 14 CFR § 121.803 and Appendix A, regarding the batteries used in automated external defibrillators (AEDs).

Under 14 CFR Part 121, Subpart X, § 121.803 (c)(4) (Docket No. FAA-2000-7119), in airplanes for which a flight attendant is required and with a maximum payload capacity of 7,500 pounds, an approved AED is required as of April 12, 2004. Appendix A of this Subpart further requires that the AED must "[m]eet the FAA Technical Standard Order requirements for power sources for electronic devices used in aviation as approved by the Administrator."

Following promulgation of § 121.803, FAA clarified the application of TSO-C142 to AED batteries:

The FAA recommends that AEDs powered by lithium batteries to be placed on aircraft would have to comply with TSO-C142. AEDs powered by batteries approved under TSO-C97 currently placed on aircraft may continue to use these earlier approved batteries until replacement when they will be required to be approved under TSO-C142. See amendments 121-281 and 135-80 [August 22, 2001].

This petition requested temporary relief that would allow the use of the current batteries in AEDs manufactured by Philips Medical Systems beyond April 12, 2004, including when the currently installed batteries are replaced. This temporary relief was sought to allow time for Philips to

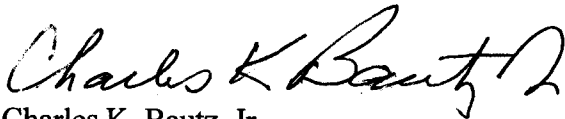
¹ ATA member airlines are: Airborne Express, Alaska Airlines, Aloha Airlines, America West Airlines, American Airlines, Astair Air Cargo, ATA Airlines, Atlas Air, Continental Airlines, Delta Air Lines, Menlo Worldwide Forwarding, Evergreen International Airlines, Federal Express Corporation, Hawaiian Airlines, JetBlue Airways, Midwest Airlines, Northwest Airlines, Polar Air Cargo, Southwest Airlines, United Airlines, United Parcel Service, and US Airways. Associate members are: Aerovias de Mexico, Air Canada, Air Jamaica, and Mexicana de Aviacion.

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complete the TSO approval process, manufacture adequate quantities of approved batteries, and to efficiently utilize airline inventories.

In light of the action taken by the Federal Aviation Administration (69 FR 19761, April 14, 2004) that revised Amendments 121-280 and 135-78 to extend the compliance date for AED batteries, ATA is withdrawing its petition for exemption on this matter. This FAA action provides the relief sought in the ATA petition.

Sincerely,

A handwritten signature in cursive script, reading "Charles K. Bautz, Jr.", written in dark ink.

Charles K. Bautz, Jr.
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cc: Jim Ballough, FAA, AFS-1
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